

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

ARC 2882 N1

First Inventor

Kevin J. Brodbeck

Title

See 1 in Addendum

Express Mail Label No.

EV 324303865 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 57]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
5. Oath or Declaration [Total Sheets 4]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1499 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☐ Other:

21906 U.S. PTO
10/648759

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/585,590

Prior application information:

Examiner Nguyen, Dave TrongArt Unit: 1632

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number:27777OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Vandana Date

Registration No. (Attorney/Agent)

38,675

Signature

Date

08/25/2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2003</h2> <p style="margin: 0; font-size: small;">Effective 01/01/2003. Patent fees are subject to annual revision.</p>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	
		Filing Date August 25, 2003	
		First Named Inventor Kevin J. Brodbeck	
		Examiner Name Unassigned	
		Art Unit n/a	
TOTAL AMOUNT OF PAYMENT		(\$ 1,020.00)	
		Attorney Docket No. ARC 2882 N1	

<p>METHOD OF PAYMENT (check all that apply)</p> <p> <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None </p> <p> <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number 10-0750 Deposit Account Name Johnson & Johnson </p> <p>The Commissioner is authorized to: (check all that apply)</p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. </p> <p style="text-align: center;">FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1001 750</td> <td>2001 375</td> <td>Utility filing fee</td> <td>750.00</td> </tr> <tr> <td>1002 330</td> <td>2002 165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003 520</td> <td>2003 260</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004 750</td> <td>2004 375</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1005 160</td> <td>2005 80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$ 750.00)</td> </tr> </tbody> </table> <p>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1202 18</td> <td>2202 9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201 84</td> <td>2201 42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203 280</td> <td>2203 140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204 84</td> <td>2204 42</td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205 18</td> <td>2205 9</td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (2)</td> <td>(\$ 270.00)</td> </tr> </tbody> </table> <p style="font-size: x-small;">**or number previously paid, if greater; For Reissues, see above</p>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1001 750	2001 375	Utility filing fee	750.00	1002 330	2002 165	Design filing fee		1003 520	2003 260	Plant filing fee		1004 750	2004 375	Reissue filing fee		1005 160	2005 80	Provisional filing fee		SUBTOTAL (1)			(\$ 750.00)	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20		1201 84	2201 42	Independent claims in excess of 3		1203 280	2203 140	Multiple dependent claim, if not paid		1204 84	2204 42	** Reissue independent claims over original patent		1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)			(\$ 270.00)	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1051 130</td> <td>2051 65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052 50</td> <td>2052 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053 130</td> <td>1053 130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812 2,520</td> <td>1812 2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804 920*</td> <td>1804 920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805 1,840*</td> <td>1805 1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251 110</td> <td>2251 55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252 410</td> <td>2252 205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253 930</td> <td>2253 465</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254 1,450</td> <td>2254 725</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255 1,970</td> <td>2255 985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401 320</td> <td>2401 160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402 320</td> <td>2402 160</td> <td>Filing brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403 280</td> <td>2403 140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451 1,510</td> <td>1451 1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452 110</td> <td>2452 55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453 1,300</td> <td>2453 650</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501 1,300</td> <td>2501 650</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502 470</td> <td>2502 235</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503 630</td> <td>2503 315</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460 130</td> <td>1460 130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807 50</td> <td>1807 50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1806 180</td> <td>1806 180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021 40</td> <td>8021 40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809 750</td> <td>2809 375</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810 750</td> <td>2810 375</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801 750</td> <td>2801 375</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802 900</td> <td>1802 900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="3">Other fee (specify) _____</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3)</td> <td>(\$)</td> </tr> </tbody> </table> <p style="font-size: x-small;">*Reduced by Basic Filing Fee Paid</p>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for ex parte reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 410	2252 205	Extension for reply within second month		1253 930	2253 465	Extension for reply within third month		1254 1,450	2254 725	Extension for reply within fourth month		1255 1,970	2255 985	Extension for reply within fifth month		1401 320	2401 160	Notice of Appeal		1402 320	2402 160	Filing brief in support of an appeal		1403 280	2403 140	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,300	2453 650	Petition to revive - unintentional		1501 1,300	2501 650	Utility issue fee (or reissue)		1502 470	2502 235	Design issue fee		1503 630	2503 315	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17(q)		1806 180	1806 180	Submission of Information Disclosure Stmt		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))		1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))		1801 750	2801 375	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application		Other fee (specify) _____				SUBTOTAL (3)			(\$)
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
1001 750	2001 375	Utility filing fee	750.00																																																																																																																																																																																		
1002 330	2002 165	Design filing fee																																																																																																																																																																																			
1003 520	2003 260	Plant filing fee																																																																																																																																																																																			
1004 750	2004 375	Reissue filing fee																																																																																																																																																																																			
1005 160	2005 80	Provisional filing fee																																																																																																																																																																																			
SUBTOTAL (1)			(\$ 750.00)																																																																																																																																																																																		
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
1202 18	2202 9	Claims in excess of 20																																																																																																																																																																																			
1201 84	2201 42	Independent claims in excess of 3																																																																																																																																																																																			
1203 280	2203 140	Multiple dependent claim, if not paid																																																																																																																																																																																			
1204 84	2204 42	** Reissue independent claims over original patent																																																																																																																																																																																			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																			
SUBTOTAL (2)			(\$ 270.00)																																																																																																																																																																																		
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
1051 130	2051 65	Surcharge - late filing fee or oath																																																																																																																																																																																			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																			
1053 130	1053 130	Non-English specification																																																																																																																																																																																			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination																																																																																																																																																																																			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																			
1251 110	2251 55	Extension for reply within first month																																																																																																																																																																																			
1252 410	2252 205	Extension for reply within second month																																																																																																																																																																																			
1253 930	2253 465	Extension for reply within third month																																																																																																																																																																																			
1254 1,450	2254 725	Extension for reply within fourth month																																																																																																																																																																																			
1255 1,970	2255 985	Extension for reply within fifth month																																																																																																																																																																																			
1401 320	2401 160	Notice of Appeal																																																																																																																																																																																			
1402 320	2402 160	Filing brief in support of an appeal																																																																																																																																																																																			
1403 280	2403 140	Request for oral hearing																																																																																																																																																																																			
1451 1,510	1451 1,510	Petition to institute a public use proceeding																																																																																																																																																																																			
1452 110	2452 55	Petition to revive - unavoidable																																																																																																																																																																																			
1453 1,300	2453 650	Petition to revive - unintentional																																																																																																																																																																																			
1501 1,300	2501 650	Utility issue fee (or reissue)																																																																																																																																																																																			
1502 470	2502 235	Design issue fee																																																																																																																																																																																			
1503 630	2503 315	Plant issue fee																																																																																																																																																																																			
1460 130	1460 130	Petitions to the Commissioner																																																																																																																																																																																			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																			
1806 180	1806 180	Submission of Information Disclosure Stmt																																																																																																																																																																																			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																			
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																			
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																			
1801 750	2801 375	Request for Continued Examination (RCE)																																																																																																																																																																																			
1802 900	1802 900	Request for expedited examination of a design application																																																																																																																																																																																			
Other fee (specify) _____																																																																																																																																																																																					
SUBTOTAL (3)			(\$)																																																																																																																																																																																		

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Vandana Date	Registration No. (Attorney/Agent)	38,675
Signature		Telephone	650-564-5909
		Date	August 25, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Addendum

1. IMPLANTABLE GEL COMPOSITIONS AND METHOD OF MANUFACTURE

Practitioner's Docket No. ARC 2882 N1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brodbeck et al.

Application No.: Unassigned

Group No.: Unassigned

Filed: August 25, 2003

Examiner: Unassigned

For: Implantable gel compositions and method of manufacture

Mail Stop Patent Application

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EV 324303865 US

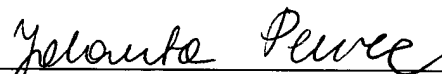
Date of Deposit: August 25, 2003

I hereby state that the following *attached* paper(s) or fee(s):

1. Continuation of Patent Application
2. Utility Patent Application Transmittal
3. Preliminary Amendment
4. Fee Transmittal
5. Return Postcard

Is (are) being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313.

Jolanta Pence



Signature of person mailing paper or fee

Alza Corporation
c/o Johnson & Johnson
One Johnson & Johnson Plaza, WH3211
New Brunswick, NJ 08933
(650) 564-2969